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January 5, 2022

VIA ECF

Hon. Steven Tiscione
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Besedin v. County of Nassau, et al.*
Docket No. 18-CV-0819 (KAM)(ST)
File No. 210099

Your Honor:

I represent the defendants in this action and write to update the Court on the status of discovery.

On December 21, 2021, defendants attempted to conduct plaintiff's deposition. Plaintiff currently resides in a nursing home, and the deposition was scheduled remotely via Zoom due to the facility's COVID-19 restrictions.

Unfortunately, we were unable to conduct the virtual deposition at that time. Plaintiff, who is hard of hearing, did not have his hearing aides available and was unable to hear any of mine or Mr. Brewington's statements. The headphones provided to plaintiff by the facility were not working properly, and the facility stated it was unable to obtain any other assistive audio technology at that time. Plaintiff had an aide and a counselor in the room with him who agreed to repeat the questioning to plaintiff, but he was also unable to hear them without his hearing aides. We were not even able to put plaintiff under oath. Accordingly, the parties agreed to adjourn the deposition and attempt to continue at another time in person when plaintiff is available with his hearing aides or remotely with better assistive audio technology. It was unclear why plaintiff, who has a history of using hearing aides, appeared without them, but Mr. Brewington stated he would investigate that issue.

In the meantime, the parties agreed to proceed with depositions of the defendants and non-parties (including plaintiff's wife and son) and work on scheduling plaintiff's IME. Defendants are also still awaiting verified and supplemented interrogatory responses and additional document discovery from plaintiff pursuant to the Court's November 18, 2021 order. (DE #68.)

Accordingly, defendants request a conference with the Court to discuss an appropriate extension of the discovery deadline.

SOKOLOFF STERN LLP

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Thank you for your consideration of this matter.

Very truly yours,



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CC:

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